

# Brent Michael

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**PRACTICE** Primarily commercial and equity, including contracts, misleading and unconscionable conduct, trusts, corporations and partnerships, and real property. Briefs also accepted in other areas including negligence, confidentiality, restraint of trade, defamation, public law, inquiries, and employment.

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<b>EXPERIENCE</b>	<b>New South Wales Bar</b> Barrister	2015 – Present
	<b>University of New South Wales</b> Lecturer, Civil procedure	2013, 2017–18
	<b>University of Sydney</b> Lecturer, Evidence and Torts	Jul – Dec 2014
	<b>King &amp; Wood Mallesons</b> Solicitor, Dispute Resolution group	2009 – 2013
	<b>Court of Appeal, Supreme Court of New South Wales</b> Tipstaff (judge’s associate), Justice D.H. Hodgson AO	2008

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**EDUCATION** **Columbia Law School**, LLM (Hons) (*Litigation, constitutional law, jurisprudence, history*)

**University of Sydney**, LLM (*Commercial litigation, contracts, judicial power, tort*)

**University of New South Wales**, BA (*Philosophy*), LLB (Hons)

- **First place in course:** Legal Interpretation; Advanced Contract Law; Commercial Equity Litigation; Defamation and the Media; Judicial Power of the Commonwealth; The Causation Element; Biopolitics and Biotechnology; Political Theory and the Rights of Indigenous Peoples.
- **Prizes:** Columbia Law School Milton B. Conford prize for jurisprudence; Sydney Law School Sir Maurice Byers prize for constitutional law; UNSW Dean’s List for Academic Excellence; World Runner-Up, Philip C. Jessup International Moot; Winner, Chartered Institute of Arbitrators National Arbitration Moot.

SOME  
RECENT  
CASES

- GPT RE Ltd v Australia Institute of Business and Technology International P/L (NSWSC)  
Indemnities – share sale agreement – enforcement of indemnity against vendor re lease liabilities; rectification. (Led by M. Izzo SC)
- Patrick; Secretary, Department of Defence [2024] AATA 336; [2021] AATA 4627  
FOI – for Naval Group France opposing access to information re submarine contracts – confidentiality, trade secrets, business affairs exemptions. (Unled)
- Magellan Asset Management Limited as responsible entity for the Magellan Global Fund v Keybridge Capital Limited [2023] NSWSC 1332  
Corporations – managed investment scheme – construction of constitution – validity of meeting request re resolution to delist/redeem units. (Led by D. Thomas SC)
- Jeffery & Anor v Adams & Anor [2023] NSWSC 1270  
Easements – s 88K, *Conveyancing Act*; deed of licence. (Led by T. Alexis SC)
- John Mir & Ors v Leo Mir & 43 Ors [2023] NSWSC 408  
Partnership – alleged over businesses holding \$100m+ in assets; corporations – application to wind up; trusts – basis on which assets held. (Led by C. Bova SC)
- HSBC Bank Australia Ltd v Potts [2023] HCATrans 49; [2022] NSWCA 165  
Banking – misleading and deceptive conduct – for HSBC in \$28.8m claim against former Dick Smith directors re loans. (Led by D. Thomas SC)
- Proclear International Pty Ltd v United Beverage Co-Packers Pty Ltd [2023] NSWSC 1633 (security for costs); [2022] NSWSC 1630 (pre-evidence disclosure)  
Contracts – manufacturing agreement – obligations of confidence, exclusivity and quality. (Led by T. Alexis SC)
- Watson & Co Superannuation Pty Ltd v Dixon Advisory and Superannuation Services Ltd (in administration) [2022] FCA 1273  
Corporations – insolvency access regime – for insurers opposing disclosure of policies to class action claimants. (Led by D. Williams SC)
- Davis & Ors v Certain Lloyd's Underwriters & Ors [2022] NSWSC 131  
Trusts – for trustee's insurers defending \$10m breach of duty claim for not preventing share dilution. Discontinued after trial. (Led by T. Alexis SC)
- Broadway Plaza Investments Pty Ltd v Broadway Plaza Pty Ltd; Re Combined Projects (Arncliffe) P/L [2020] NSWSC 1778; [2021] NSWSC 1374; [2021] NSWSC 1537  
Partnership – property development; authority/agency; banking mandate; director's duties; \$130m+ in claims. (Led by N. Hutley SC & C. Bova SC with D. Reynolds)
- Caron & Seidlitz v Jahani & McInerney as liquidators of Courtenay House Pty Ltd & Courtenay House Capital Trading Group Pty Ltd (in liq) [2020] NSWCA 117  
Trusts – mixed fund – distribution method, tracing. (Led by M. Izzo SC)
- In the matter of Courtenay House Capital Trading Group Pty Ltd (in liq) [2020] NSWSC 780; [2019] NSWSC 1113; [2018] NSWSC 404  
Trusts – Ponzi scheme – whether two funds totalling \$40m+ held on trust for investors; distribution method. (Led by M. Izzo SC)

- PUBLICATIONS ‘Migratory Boundaries of Coastal Properties in Cases of Artificially Caused Erosion’ (2018) 7(2) *Property Law Review* 80.
- ‘Failing to Assess a Borrower’s Repayment Capacity’, *Law Society Journal*, April 2016.
- ‘Recourse to Contractual Context Reaffirmed’ (2015) 89(3) *Australian Law Journal* 181 (with D. Wong).
- ‘Criteria for identification of “corporations” and “trading corporations” under 51(xx) of the Constitution’, *Bar News*, Winter 2015.
- ‘Sea Changes in Coastal Protection Laws’ (2013) 87 *Australian Law Journal* 15 (with K. Coleman).
- ‘*Western Export Services v Jireh International*: Ambiguity as the Gateway to Surrounding Circumstances?’ (2012) 86(1) *Australian Law Journal* 57 (with D. Wong).
- Cited in:** *Mainteck Services Pty Ltd v Stein Heurtey SA* [2014] NSWCA 184; *McCourt v Cranston* [2012] WASCA 60; *Bisognin v Hera Project Pty Ltd* [2016] VSC 75; *Toga Pty Limited v Perpetual Nominees Ltd* [2012] NSWADT 80.
- ‘International Law in Constitutional Interpretation: A Theoretical Perspective’ (2012) 23(3) *Public Law Review* 197.
- ‘Must an Accessory be a Know-It-All?’ (2010) 18(4) *Trade Practices Law Journal* 234 (now *Competition & Consumer Law Journal*).
- Cited in:** *Sugarloaf Hill Nominees Pty Ltd v Rewards Projects Ltd* [2011] WASC 19.
- ‘Responding to Attacks by Non-State Actors: The Attribution Requirement of Self-Defence’ (2009) 16 *Australian International Law Journal* 133.